

REMARKS

Applicant has amended claims 1- 3, 5, 6, 8, 10 and 17-21 and has canceled claims 4, 7 and 22 to more clearly define the present invention. Formal drawings, correcting the informalities complained of in the Office Action are enclosed herewith. Review, reconsideration and allowance of claims 1-3, 5, 6, and 8-21 are respectfully requested.

THE PRESENT INVENTION

The present invention concerns a protective flashlight *case* in which to removably enclose a flashlight having a key ring extension portion. The case of the present invention comprises first and second body portions each with a sealing edge that when mated enclose the flashlight in a water resistant container. In one embodiment, the case provides means to encapsulate the flashlight's key ring extension within the water resistant container while permitting a ring, or other connection means, to be attached to the encapsulated extension. Further, the case permits direct access to the flashlight's switch while maintaining the water resistant nature of the encapsulation.

THE CITED ART, SPECIFICALLY THE CHUN REFERENCE

The Office Action has rejected claim 19-22 under 35 U.S.C. Section 102(a) as being anticipated by Chun (U.S. Patent No. 6,793,366). The Office Action notes that Chun discloses a waterproof low power LED flashlight. Chun does not disclose a case within which a flashlight may be placed, when water resistance is required and from which a flashlight can be removed, when regular flashlight use is desired. The flashlight of Chun is a water tight flashlight and not a case into which a flashlight can be inserted and then removed; and when removed from the case retains its original configuration as a flashlight. The present invention, as now claimed, is a case for a flashlight and not a flashlight. The present invention provides a housing into which a

Application of: Kevin L. Parsons
Serial No.: 10/626,276
Filed: July 24, 2003
Date: April 14, 2005
Page -8-

In the Drawings:

Formal drawings are enclosed herewith.

flashlight may be placed and temporarily sealed within. In claims 19-21 (claim 22 having been canceled) the first and second bodies of the case are claimed as being releasably sealable such that the case can be opened to insert a flashlight, for use in a wet environment, and then opened so that the flashlight can be removed and used in its usual state. The flashlight of Chun does not have these features and is merely a water tight flashlight.

THE COMBINATION OF YU AND CHUN DO NOT TEACH THE PRESENT INVENTION

The Office Action has rejected claims 1-18 under 35 U.S.C. Section 103(a) as being unpatentable over Yu (U.S. Patent No. 6,299,323) in view of Chun (as cited above). Yu discloses a miniature LED flashlight. Applicant respectfully submits that Yu does not teach a water resistant case into which a flashlight may be temporarily inserted so that it can be used in an environment requiring water resistance. The present invention, as disclosed in Claims 1-18, claims a case into which a flashlight may be inserted and then removed. Applicant notes that the flashlight disclosed in Yu could be used within a case of the type disclosed in the present invention. The addition of the teaching of Chun, which merely discloses a water tight flashlight, and not a separate case into which a flashlight can be inserted, adds nothing that would lead a person having ordinary skill in the art to develop a case into which a flashlight may be temporarily placed to effect a water resistant seal.

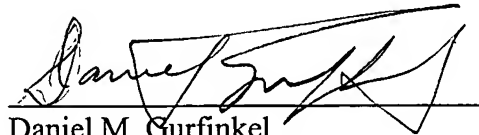
RECONSIDERATION AND ALLOWANCE REQUESTED

Applicant hereby respectfully requests reconsideration, continued examination and allowance of the remaining claims. A sincere effort has been made to overcome the Action's rejections and to place the application in allowable condition. Applicant invites the Examiner to call Applicant's attorney to discuss any aspects of the invention that the Examiner may feel are not clear or which may require further discussion.

Application of: Kevin L. Parsons
Serial No.: 10/626,276
Filed: July 24, 2003
Date: April 14, 2005
Page -11-

In view of the foregoing remarks and amendments, it is believed that the subject application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Daniel M. Gurfinkel", is written over a horizontal line.

Daniel M. Gurfinkel
Attorney for Applicant
Registration No. 34,177

April 14, 2005

WELSH & KATZ, LTD.
120 South Riverside Plaza,
22nd Floor
Chicago, Illinois 60606
(312) 655-1500